

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA,</b>	:	<b>CRIMINAL NO. 1:08-CR-0097</b>
	:	
v.	:	<b>(Judge Conner)</b>
	:	
<b>JODY A. BURNETT</b>	:	

**ORDER**

AND NOW, this 13th day of October, 2009, upon consideration of defendant's correspondence (Doc. 39) requesting appointment of counsel to assist her in petitioning the court for habeas corpus relief under 28 U.S.C. § 2241, and it appearing that defendant seeks to reduce her term of incarceration so that she can reassume employment, obtain surgery, and expeditiously enter a halfway house for treatment, and the court recognizing that "[t]here is no 'automatic' constitutional right to counsel in a federal habeas corpus proceeding," Reese v. Fulcomer, 946 F.2d 247, 263 (3d Cir. 1991), but that district courts retain discretion to appoint counsel when the interests of justice so require, see 18 U.S.C. § 3006A; R. GOVERNING § 2254 CASES R.8(c); Reese, 946 F.2d at 263; see also R. GOVERNING § 2254 CASES R.1(b) (permitting application of § 2254 rules to petitions under 28 U.S.C. § 2241 in the discretion of the court), and the court concluding that defendant's letter fails to identify a nonfrivolous claim for habeas relief, see Reese, 946 F.2d at 264 (stating that "the district court must first decide if the petitioner has presented a nonfrivolous claim" before appointing habeas counsel), it is hereby

ORDERED that defendant's letter (Doc. 39) is CONSTRUED as a motion for appointment of counsel and is DENIED as so construed.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge